



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: **Derek Metcalf**

SERIAL NO.: **10/807,365** GROUP ART UNIT: **3634**

FILED: **March 23, 2004** EXAMINER: **Jennifer E. Novosad**

FOR: **Adjustable Shelving Unit**

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I hereby certify that this correspondence is being transmitted to the United States Patent Office Centralized Facsimile Number (571.273.8300), on May 4, 2006.


Susie Haugen

Attorney Docket No.: **38949/295702**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

DATE: **May 4, 2006**

RESPONSE TO ELECTION / RESTRICTION REQUIREMENT

Sir:

In response to the March 14, 2006 Office communication (the "Office Action"), please consider the following remarks and provisional elections with traverse. In the Office Action, the Examiner required restriction among the following claim sets:

- I. Claims 1-8: Drawn to an adjustable shelving unit.
- II. Claims 9-15: Drawn to an adjustable shelving unit.
- III. Claim 16: Drawn to an adjustable shelving unit.
- IV. Claim 17: Drawn to an adjustable shelving unit.

Applicant provisionally elects claims 9-15 with traverse. Applicant respectfully submits that examination of the claims of the entire application will not impose an

undue burden and that therefore the restriction requirement is improper. See MPEP §803.

In the Office Action, the Examiner also required election between: (a) Figures 1-10; (b) Figures 11-13; (c) Figures 14-16 and 19; and (d) Figures 17 and 18, stating that no claims are deemed to be generic. Applicant provisionally elects Figures 17 and 18, which are readable on claims 9-15.

CONCLUSION

In light of the provisional elections with traverse, the undersigned is of the opinion that this application is in a condition for allowance and respectfully requests the same.

A request for a one-month extension of time accompanies this response as well as a form PTO-2038 Credit Card Payment Form. No other fees are believed due at this time. To the extent that belief is incorrect, the Commissioner is authorized to charge any additional fees that may be due for this Response to Deposit Account No. 11-0855.

If the Examiner believes that there are any issues that can be resolved via a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call Michael Bertelson at (404) 815-6291.

Application No. 10/807,365
Amendment Dated May 4, 2006
Reply to Office Action of March 14, 2006

Respectfully submitted,



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